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### REMARKS/ARGUMENTS

Favorable consideration and allowance of the instant application is respectfully requested in view of the following remarks.

Claims 33-50, 53 and 54 are pending in this application.

The Examiner's rejections, as they pertain to the patentability of the claims, are respectfully traversed.

Pursuant to the Examiner having maintained the restriction requirement and made it final, claims 1-32, 51 and 52 have been cancelled, without prejudice.

Claims 33-50 and 53-54 are rejected under 35 U.S.C. § 112, second paragraph. This rejection is respectfully traversed for the following reasons.

Initially, Applicant would like to note that it is well settled that claim terminology is sufficiently definite under 35 U.S.C. § 112, second paragraph, unless there is an **unreasonable degree of uncertainty** in view of the specification and the art as to what is being claimed. See, *In re Johnson and Famum*, 194 USPQ 187, 193 and 194 (CCPA 1977)(emphasis added).

The Examiner contends that claim 33, along with all the claims dependent thereon, is indefinite because it is unclear what is meant by "cleaning effective amount". In response thereto, Applicant respectfully submits that the **precise** amount of composition to be used, can and will be easily determined by those skilled in the art of cleaning hard surfaces. The precise amount of cleaning composition to be employed will depend on numerous factors such as type of surface being cleaned, type of undesirable contaminants/dirt to be removed therefrom, temperature at which cleaning is performed, etc.

Claim 33 is further deemed to be indefinite because it fails to positively recite a step of cleaning a hard surface. In response thereto, Applicant would like to direct the Examiner's attention to the first line of claim 33 where the word "contacting" is recited. Clearly those skilled in the art would know that the act of contacting the hard surface is

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analogous to cleaning.

Claim 35 is deemed indefinite because "the isopropylamine salt" is said to lack antecedent basis. Claim 35 has been amended to clarify this typographical error.

Finally, claim 46 is deemed indefinite because the term "thermal stability" is said to be indefinite. The objected-to term, when read in light of both the specification, its context within the claim, and what is known in the art, is sufficiently definite to satisfy the requirements of §112, second paragraph. It is clear to all that the plain meaning of the term "thermal stability" is what is meant thereby. *applicable*

Accordingly, for all of the above-stated reasons, reconsideration and withdrawal of this rejection is respectfully requested.

Claims 33-34, 36-42 and 44-48 are rejected under 35 U.S.C. § 102(e) as being anticipated by Steven (US 6,172,031). This rejection is respectfully traversed for the following reasons.

It is extremely well settled that a factual determination of anticipation requires the disclosure, in a single reference, of each and every element of the claimed invention, and an Examiner must identify wherein each and every facet of the claimed invention is disclosed in the applied reference. See, *In re Levy*, 17 USPQ2d 1561 (Bd. Pat. App. & Inter. 1990). As a result, Applicant respectfully submits that this reference fails to anticipate the claimed invention on the grounds that it fails to disclose each and every element thereof.

The present invention requires that its composition be terpene-free. While the Stevens reference suggests that terpene need not be present in its composition, it fails to mandate its absence. Since this element of the claimed invention is not disclosed by Stevens, for this reason alone the reference should not anticipate the present invention.

With respect to claimed components (a) and (b), the Examiner relies upon the disclosure in Stevens at col. 4, lines 40-45, and col. 3, lines 20-22. In col. 4, lines 40-45,

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Stevens teaches the use of an oil-soluble surfactant as being merely optional, not mandatory as is presently claimed. While Applicant appreciates the Examiner's attempt at defining the term "optional" in a way which anticipates the claimed invention, such an exercise is believed to be impermissible. For example, where Stevens teaches that the presence of terpene in its composition is optional, see col. 3, lines 42-46, the Examiner interprets this as meaning terpene is NOT employed, thereby rendering this element of the claimed invention anticipated. Conversely, where Stevens teaches the presence of oil-soluble surfactants as being optional, see col. 4, line 40, the Examiner here interprets this as meaning they are, in fact, present in its composition. This type of self-serving interpretation should not form the basis for an anticipation rejection.

Nevertheless, this reference fails to disclose, at col. 4, lines 40-45, the claimed amounts of oil-soluble anionic surfactant and water-soluble anionic surfactants. Instead, this reference merely broadly teaches the amount of surfactant, **in general**, which may be present in its composition. This teaching, however, is not analogous to the claimed range of each specific surfactant. For this reason alone this reference fails to anticipate the claimed invention.

Finally, with respect to claimed component (d), the Examiner contends that this component is disclosed by Stevens at col. 3, lines 40-45, col. 10, lines 15-20 and 30-55. However, after a careful reading of col. 10, lines 8-20, it is seen that the glycol ether teaching relied upon by the Examiner is part of a "rinse composition", which is different from Stevens' cleaning composition and is taught as being part of an "optional step". Thus, rather than the presence of a short-chain cosurfactant, such as a glycol, being a required ingredient of the cleaning composition, per the present invention, it is taught as being an ingredient in an optional rinse composition, separate and apart from Stevens' cleaning composition. For this reason alone, this reference also fails to anticipate the claimed invention.

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Accordingly, for all of the above-stated reasons, reconsideration and withdrawal of this rejection is respectfully requested.

Claims 35 and 43 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Stevens (US 6,172,031). This rejection is respectfully traversed for the following reasons.

It is extremely well settled that in order to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or to combine reference teachings.

Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure [underline emphases added]. See, *Manual of Patent Examining Procedure*, Rev. 3, July 1997, § 2142, pages 2100-108. Applicant respectfully submits that the Stevens reference fails to render the claimed invention *prima facie* obvious on the grounds that it fails to teach or suggest all of the claim limitations.

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As was noted above, Stevens fails to teach or suggest the claimed weight percents of the specifically claimed surfactants. Moreover, with respect to the claimed short-chain surfactant, this reference fails to teach or suggest its use in the cleaning composition of Stevens (taught as being employed in a **separate** rinse composition which may optionally be used), and fails to teach or suggest its use in the claimed amount in the claimed cleaning composition. Accordingly, for these reasons alone, this reference should not be relied upon to render the claimed invention *prima facie* obvious.

As for claim 35, specifically, while the Examiner admits that Stevens fails to teach the use of the claimed isopropyl amine salt of dodecylbenzene sulfonic acid, the Examiner nevertheless contends that it would be obvious to employ this compound since the

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reference teaches the use of alkyl amines in general.

In response thereto, Applicant would like to note that it is clear in the law that, in order to establish a prima facie case of obviousness under 35 U.S.C. § 103 based upon a single reference, the Office must show an art-recognized motivation to modify the reference in the manner asserted by the Office. See, *In re Gordon*, 221 USPQ 1125, 1127 (Fed. Cir. 1984). Applicant respectfully submits that the Examiner has failed to show how and/or why a person of ordinary skill in the art would choose to modify the teaching of the Stevens' reference by using the claimed isopropyl amine salt of dodecylbenzene sulfonic acid. Since there is no teaching or suggestion within the Stevens' reference to engage in such a modification of its composition, clearly then there is no motivation to do so either.

The same reasoning holds true for claim 43 and its use of a propylene glycol n-butyl ether short-chain cosurfactant. ✓

Accordingly, for all of the above-stated reasons, reconsideration and withdrawal of this rejection is respectfully requested.

Claims 49-50 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Stevens '031 as applied to claims 33, 34, 36-42 and 44-48 above, and further in view of Van Eenam (US 5,585,341). This rejection is respectfully traversed for the following reasons.

The Examiner contends that Stevens teaches the invention substantially as claimed with the exception of cyclic ketone, specifically cyclohexanone. In an effort to overcome this particular lack of teaching or suggestion, the Examiner relies upon the '341 reference for its alleged teaching regarding the use of cyclohexanone as an organic solvent in hard surface cleaners/degreasers. )

In response thereto, Applicant would like to first note that as has been shown above, Stevens fails to contain any teaching or suggestion regarding the use of both the claimed weight percents of each of Applicant's components, and the use of shortchain

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co-surfactants in its cleaning composition. Instead, Stevens teaches that short chain cosurfactants may be employed in an optional rinse composition, separate and apart from its cleaning composition. Therefore, even if these two references were combined, as is suggested by the Examiner, they would nevertheless fail to render the claimed invention prima facie obvious. Accordingly, for the above-stated reasons, reconsideration and withdrawal of this rejection is respectfully requested.

Claims 53-54 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Stevens '031 as applied to claims 33, 34, 36-42 and 44-48 above, and further in view of Cilley et al. (US 6,180,583). This rejection is respectfully traversed for the following reasons.

The Examiner contends that Stevens teaches the invention substantially as claimed with the exception of a thickening agent such as bentonite. In an effort to overcome this particular lack of teaching or suggestion, the Examiner relies upon the '583 reference for its alleged teaching regarding the use of thickeners in hard surface cleaners/degreasers.

In response thereto, Applicant would like to first note that as has been argued on numerous occasions above, Stevens fails to contain any teaching or suggestion regarding the use of the both the claimed weight percents of each of Applicant's components, and the use of shortchain co-surfactants in its cleaning composition. Instead, Stevens teaches that short chain cosurfactants may be employed in an optional rinse composition, separate and apart from its cleaning composition. Therefore, even if these two references were combined, as is suggested by the Examiner, they would nevertheless fail to render the claimed invention prima facie obvious. Accordingly, for the above-stated reasons, reconsideration and withdrawal of this rejection is respectfully requested.

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Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned "Version with markings to show changes made."

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It is believed that the foregoing reply is completely responsive under 37 CFR 1.111 and that all grounds for rejection are completely avoided and/or overcome. A Notice of Allowance is therefore earnestly requested.

The Examiner is requested to telephone the undersigned attorney if any further questions remain which can be resolved by a telephone interview.

Respectfully submitted,

  
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VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Claims:

35. (First amended) The process of claim 33 wherein the oil-soluble anionic surfactant is [the] an isopropylamine salt of dodecylbenzenesulfonic acid.